IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 27644 of 1996

AND

W.P.M.P.No.50 OF 2005

Between:

V.Laxminarasimha Chary S/o Narsimha Chary,

Occupation Retired Teacher, R/o 18-6-480,

Outside Gowlipura, Hyderabad

..... PETITIONER

AND

1. District Revenue Officer,

Mahabubnagar

2. Mandal Revenue Officer,

Balanagar

3.M.Panduranga Chary,

S/o.Srinivasa Chary,

R/o. 18-6-487, Outside Gowlipura,

Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction more particularly in the nature of writ of Certiorari, to call for the connected records relating to Impugned proceedings in case No.B8/27/ROR/88 dated 5.11.1996 passed by the first respondent and declare the same as arbitrary and illegal.

W.P.M.P.No.50 of 2005

Between:

1. Ulli Lingaiah S/o Veerappa,
2. Ulli Sharanaiah S/o Veerappa

Occupation: Both Agriculture, Residents of Udityal Village, Balangar Mandal, Mahabubnagar District ….

Petitioners/Implead Petitioners

And

1. V.Laxminarasimha Chari (died)
2. The District Revenue Officer, Mahabubnagar
3. The Mandal Revenue Officer, Balanagar Mandal, Mahabubnagar District
4. M.Panduranga Chary S/o Srinivasa Chary, Aged about 50 years, Occup: Service, R/o. 18-6-487, Outside Gowlipura, Hyderabad

… Respondents

W.P.M.P.No.50 of 2005 is filed under Rule 16A of the Writ Rules read with Section 151 of the Code of Civil Procedure praying that, in the circumstances stated in the affidavit filed herein, the High Court may be pleased to implead the petitioners herein as writ petitioner Nos. 2 and 3 in W.P.No.27644 of 1996 and pass such other orders in the interest of justice.

Counsel for the Petitioner: MR.B.NARASIMHA SARMA

Counsel for respondents 1 and 2: G.P. for Revenue

Counsel for the Respondent No.3: MR.M.SUDHIR KUMAR

The Court made the following :

ORAL ORDER:

The proceedings dated 5-11-1996 in No.B8/27/ROR/88 of the 1st respondent are under challenge in this writ petition.

While so, W.P.M.P.No.50 of 2005 is filed to implead the petitioners therein as writ petitioners 2 and 3 on the ground that they have purchased the land which is the subject matter of the proceedings impugned in this writ petition.

This interlocutory application is opposed by Sri M.R.K.Chowdary, learned senior counsel appearing for the un-official respondent on the ground that sole writ petitioner died, no steps were taken by the legal representatives of the petitioner within the stipulated time and in that view of the matter the writ petition itself is abated, and as such the petitioners in the interlocutory application cannot be impleaded as party petitioners claiming interest, at this stage, and the writ petition itself is liable to be dismissed.

In this case, it is to be seen that the main writ petition is filed against the order of the District Revenue Officer, Mahabubnagar – 1st respondent, rejecting the writ petitioner's request for correction of the entries in Khasra Pahani. The said application was filed under the A.P. (Telangana Area) Record of Rights Regulation 1358 Fasli. But, it has to be seen that in the year 1971 Andhra Pradesh Right in Land and Pattadar Pass Books Act, 1971 has come into force and this Court has already taken a view that after coming into force of the said legislation, the authority under the old Regulation has no jurisdiction to entertain any application seeking

correction of entries in regard to the record of rights. Inasmuch the very writ petition itself is directed against the order passed by the authority under the repealed Regulation, which is not in force from 1971 onwards, either this interlocutory application to implead the petitioners at this stage or the main writ petition itself cannot be entertained. However, it is open for the petitioners to approach the competent authority under the provisions of the Andhra Pradesh Right in Land and Pattadar Pass Books Act, 1971.

Subject to the above observations, the writ petition is dismissed. No costs.

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15-2-2005

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To:

1. District Revenue Officer,

Mahabubnagar

2. Mandal Revenue Officer,

Balanagar

3. Two C.C. to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT)

4. Two C.D. copies